

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-00040-01/02-CR-W-HFS
JOSHUA R. TILLMAN,)	
SHAWNDRY DEMOND)	
REYNOLDS.)	
)	
)	
Defendants.)	

ORDER

For reasons stated in the Report and Recommendation (Doc. 55), the joint motion to suppress (Doc. 31) will be denied. Defendants essentially rely on an allegedly defective “possible” identification of a bank robbery suspect in the automobile occupied by the defendants. But that was only one of the appropriate justifications for investigation that disclosed a firearm in plain view in the car. It had stopped in a distinctly unusual manner at a family residence associated with the robber and later determined to be occupied by him. Identification of all the car’s occupants was required to “clear the car.” (Tr. 24). The odor of marijuana

alone triggered appropriate concern. (Tr. 31). The officers were entitled to be sure all unknown occupants (who could have included the robber) were identified and safe-guarded. The firearm and the felony status of defendants was necessarily disclosed. The subsequent search was also justified, for reasons stated by Magistrate Judge Counts. The motion (Doc. 31) is DENIED.

SO ORDERED.

/s/ Howard F. Sachs

HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

July 26, 2019

Kansas City, Missouri